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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN RICHARDSON,

Defendant and Appellant.

C063330

(Super. Ct. No. 08F07996)

Defendant John Richardson entered a plea of guilty to the sale of cocaine base (Health & Saf. Code, § 11352, subd. (a); count one) and possession of cocaine base for sale (Health & Saf. Code, § 11351.5; count two), admitted a prior prison term allegation (Pen. Code, § 667.5, subd. (b)), and waived conduct credits, in exchange for a court-indicated sentence of four years in state prison. The court sentenced defendant accordingly, that is, the low term of three years for count one and a one-year enhancement for the prior prison term. The trial court stayed sentence on count two.

In September 2008, defendant sold 0.13 grams of cocaine base to an undercover officer during a buy-bust operation. With

respect to defendant's prior prison term, defendant was sentenced to state prison on April 27, 1999, for violating Penal Code section 487, subdivision (a).

Defendant appeals. The trial court denied his request for a certificate of probable cause (Pen. Code, § 1237.5).

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.<sup>1</sup>

#### DISPOSITION

The judgment is affirmed.

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CANTIL-SAKAUYE, J.

We concur:

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NICHOLSON, Acting P. J.

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RAYE, J.

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<sup>1</sup> The recent amendments to Penal Code section 4019 (Pen. Code, § 4019, subds. (b), (c); Stats. 2009-2010, 3rd Ex. Sess. ch. 28, § 50) do not operate to modify defendant's entitlement to credit because he waived conduct credits in entering his plea. The trial court did not award any conduct credit but did award credit for actual days.